

2016 No. 412 (C. 42)

HOUSING

**The Housing (Scotland) Act 2014 (Commencement No. 6 and
Transitional Provision) Order 2016**

<i>Made</i>	- - - -	<i>6th December 2016</i>
<i>Laid before the Scottish Parliament</i>		<i>8th December 2016</i>
<i>Coming into force</i>	- -	<i>23rd December 2016</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 104(3) and (5) of the Housing (Scotland) Act 2014(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Housing (Scotland) Act 2014 (Commencement No. 6 and Transitional Provision) Order 2016 and comes into force on 23rd December 2016.

(2) In this Order “the Act” means the Housing (Scotland) Act 2014.

Appointed days

2. The day appointed for the coming into force of the provisions of the Act specified in column 1 of the schedule (the subject matter of which is described in column 2 of the schedule) is specified in column 3 of the schedule.

Transitional provision

3.—(1) Despite the commencement of section 44 (offence of operating as a letting agent without registration) of the Act, it is not an offence under subsection (1) of that section for a person who is not a registered letting agent to carry out letting agency work if—

- (a) the person has, before 31st September 2018, made an application under section 30 of the Act, to be entered in the register; and
- (b) the application has not yet been finally determined.

(2) For the purpose of paragraph (1)(b), an application is finally determined when—

- (a) the applicant is entered in the register;
- (b) it is withdrawn; or
- (c) it is refused and either—
 - (i) the time limit for appeal against refusal expires without an appeal having been made;
 - or

(ii) an appeal against refusal is dismissed or abandoned.

St Andrew's House,
Edinburgh
6th December 2016

KEVIN STEWART
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject-matter</i>	<i>Column 3</i> <i>Appointed day</i>
Section 63	Licensing of sites for permanent residents	1st May 2017
Section 64 (insofar as not already in force)	Relevant permanent site application	1st May 2017
Section 65 (insofar as not already in force)	Issue, renewal, transfer and transmission of a Part 1A site licence	1st May 2017
Section 66	Duration of a Part 1A site licence	1st May 2017
Section 67	Duty to inform local authority where change	1st May 2017
Section 68	Revocation of a Part 1A site licence: fit and proper person	1st May 2017
Section 69	Appeals relating to a Part 1A site licence	1st May 2017
Section 71	Fit and proper person considerations	1st May 2017
Section 72	Fit and proper person: criminal conviction certificate	1st May 2017
Section 73	Fit and proper person: information sharing	1st May 2017
Section 74	Offences relating to relevant permanent sites	1st May 2017
Section 75	Improvement notices	1st May 2017
Section 76	Penalty notices	1st May 2017
Section 77 (insofar as not already in force)	Appointment of interim manager	1st May 2017
Section 78	Emergency action	1st May 2017
Section 79	Powers of entry	1st May 2017
Section 80	Recovery of inspection and enforcement expenses	1st May 2017
Section 81	Offences by bodies corporate etc. under Part 1A of the 1960 Act	1st May 2017
Section 83	Transitional provision for existing site licences	1st May 2017
Section 84	Agreements to which the Mobile Homes Act 1983 applies	1st May 2017
Section 29 (insofar as not already in force)	Register of letting agents	31st January 2018
Section 30 (insofar as not already in force)	Application for registration	31st January 2018
Section 31	Offence of providing false information in an application	31st January 2018
Section 32 (insofar as not already in force)	Decision on application	31st January 2018

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject-matter</i>	<i>Appointed day</i>
Section 33	Time limit for determining application	31st January 2018
Section 34	Fit and proper person considerations	31st January 2018
Section 35	Fit and proper person: criminal record information	31st January 2018
Section 36	Letting agent registration number	31st January 2018
Section 37	Duty to inform: change of circumstances	31st January 2018
Section 38	Duration of registration	31st January 2018
Section 39	Revocation of registration	31st January 2018
Section 40	Removal from register on application	31st January 2018
Section 41	Appeals	31st January 2018
Section 42	Note on register where refusal or removal	31st January 2018
Section 43	No payment for letting agency work refusal or removal	31st January 2018
Section 45	Offence of using a registration number where no registration	31st January 2018
Section 47	Prohibition on contracting out	31st January 2018
Section 48	Applications to First-tier Tribunal to enforce code of practice	31st January 2018
Section 49	Variation and revocation of enforcement orders	31st January 2018
Section 50	Failure to comply with enforcement order	31st January 2018
Section 51	Enforcement orders: offence	31st January 2018
Section 52 (insofar as not already in force)	Power to obtain information	31st January 2018
Section 53	Power to carry out inspections	31st January 2018
Section 54	Warrants for entry	31st January 2018
Section 55	Inspections: supplemental	31st January 2018
Section 56	Information and inspection: offence	31st January 2018
Section 57	Transfer of jurisdiction of actions involving letting agents	31st January 2018
Section 58	Offences by bodies corporate etc.	31st January 2018
Section 59	Delegation of functions relating to the register	31st January 2018
Section 60	Landlord registration where agent is a registered letting agent	31st January 2018
Section 62 (insofar as not already in force)	Interpretation of Part 4	31st January 2018
Section 44	Offence of operating as a letting agent without registration	31st September 2018

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Housing (Scotland) Act 2014 (“the Act”).

Article 2 and the schedule appoint 1st May 2017 for the commencement of the remaining provisions in Part 5 (mobile home sites with permanent residents) of the Act.

31st January 2018 is the day appointed for the coming into force of the majority of the provisions in Part 4 (letting agents) of the Act.

Section 44 (offence of operating as a letting agent without registration) of the Act will come into force on 31st September 2018 which gives a period of 8 months from the date the register of letting agents is established before that offence provision is in force. Article 3 ensures that the offence provision will not apply if by that date an application has been made but has not been finally determined.

Sections 100, 101, 102, 104 and 105 of the Act come into force on the day the Bill for the Act received Royal Assent: 1st August 2014

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Housing (Scotland) Act 2014 have been brought into force by commencement orders made before the date of this Order.

Table 1

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1(1)	1st August 2016	S.S.I. 2014/264
Section 1(2)	20th November 2014	S.S.I. 2014/164
Section 1(3) (partially)	20th November 2014	S.S.I. 2014/264
Section 1(3) (remainder)	1st July 2017	S.S.I. 2014/264
Section 2	20th November 2014	S.S.I. 2014/264
Section 4(2) (partially)	20th November 2014	S.S.I. 2014/264
Section 6(2) (partially)	20th November 2014	S.S.I. 2014/264
Section 7(1)(b)	20th November 2014	S.S.I. 2014/264
Section 14(1)	20th November 2014	S.S.I. 2014/264
Section 20	20th November 2014	S.S.I. 2014/264
Section 22	1st December 2015	S.S.I. 2015/272
Section 23(1)	20th November 2014	S.S.I. 2014/264
Section 23 (remainder)	1st December 2015	S.S.I. 2015/272
Section 24	20th November 2014	S.S.I. 2014/264
Section 25(1)(a) (partially), (1)(b) to (e) and (2) to (11)	1st December 2015	S.S.I. 2015/349
Section 25(1)(a) (partially)	1st April 2016	S.S.I. 2015/349
Section 25(1)(a) (remainder)	1st June 2016	S.S.I. 2015/349
Section 26(7)	20th November 2014	S.S.I. 2014/264
Sections 26 (remainder) and 27	1st December 2015	S.S.I. 2015/272
Section 28	20th November 2014	S.S.I. 2014/264
Section 29(2)(b) (partially)	2nd February 2016	S.S.I. 2015/430
Section 30(2)(f) (partially)	2nd February 2016	S.S.I. 2015/430
Section 32(2)(c) (partially)	2nd February 2016	S.S.I. 2015/430
Section 46	20th November 2014	S.S.I. 2014/264

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 52(2) (partially)	2nd February 2016	S.S.I. 2015/430
Section 61	20th November 2014	S.S.I. 2014/264
Section 62 (partially)	20th November 2014	S.S.I. 2014/264
Sections 64 and 65 (partially)	20th November 2014	S.S.I. 2014/264
Section 70	20th November 2014	S.S.I. 2014/264
Section 77 (partially)	20th November 2014	S.S.I. 2014/264
Section 82	20th November 2014	S.S.I. 2014/264
Section 85(3) and (4)	20th November 2014	S.S.I. 2014/264
Section 85 (remainder)	1st April 2015	S.S.I. 2015/122
Section 86(1) (partially)	13th November 2014	S.S.I. 2014/264
Section 86(2) (partially)	13th November 2014	S.S.I. 2014/264
Section 86 (remainder)	16th December 2014	S.S.I. 2014/264
Sections 87 and 88	1st April 2015	S.S.I. 2015/122
Section 89	13th July 2015	S.S.I. 2015/272
Sections 90 to 92	1st April 2015	S.S.I. 2015/122
Sections 94 to 96	20th November 2014	S.S.I. 2014/264
Section 97 (partially)	20th November 2014	S.S.I. 2014/264
Section 97 (remainder)	31st August 2015	S.S.I. 2015/272
Section 98	20th November 2014	S.S.I. 2014/264
Section 103 (partially)	20th November 2014	S.S.I. 2014/264
Section 103 (partially)	1st August 2016	S.S.I. 2014/264
Schedule 2 (partially)	1st August 2016	S.S.I. 2014/264

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